

FILE COPY

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF THE APPLICATION	:	
FOR A REAL ESTATE	:	
SALESPERSON LICENSE	:	
	:	
LYNN M. NOLTNER,	:	<b>NOTICE OF DENIAL</b>
APPLICANT	:	<b>OF APPLICANT'S</b>
	:	<b>REQUEST FOR HEARING</b>
	:	<b>AND ORDER</b>
	:	97 REB 266

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TO: Lynn M. Noltner  
1314 Parkwood Blvd.  
Sheboygan, WI 53081

**PLEASE TAKE NOTICE THAT** the applicant's request for a hearing on the Department of Regulation and Licensing (hereinafter "Department") September 10, 1997, Notice of Denial of application for licensure as a Real Estate Salesperson in the state of Wisconsin is DENIED.

Based upon the record in this matter, the Department makes the following:

**FINDINGS OF FACT**

1. On or about August 15, 1997, Lynn M. Noltner submitted an application for licensure as a real estate salesperson. A true and correct copy of Ms. Noltner's application file is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
2. Ms. Noltner's application materials included reference to a February 10, 1997 felony conviction for theft/false misrepresentation.
3. The Department of Regulation and Licensing denied Ms. Noltner's application for licensure based on its determination that Ms. Noltner's criminal conviction was substantially related to the practice of a real estate salesperson.
4. The findings set forth above are not contested in the applicant's request for hearing.
5. The applicant's request for hearing [Exhibit A, pp. 16-17] does not contain a concise statement of the essential facts which the applicant intends to prove at the hearing, nor does it include a statement of law upon which the applicant relies for her claim that the denial of her application should be overturned.

## CONCLUSIONS OF LAW

1. Based upon the application record and applicant's request for hearing, there exists no issue of material fact<sup>1</sup> upon which a hearing is warranted.
2. Applicant's request for hearing does not contain the elements required by administrative code to mandate the grant of a hearing in this matter."

## ORDER

1. Based upon the record in these proceedings, it is ordered that the applicant's request for hearing is DENIED, and no hearing shall be scheduled.
2. The application of Lynn M. Noltner for licensure as a Real Estate Salesperson is DENIED.
3. This document constitutes the Department's Final Decision and Order in this matter.
4. Nothing in this Order bars the applicant from submitting a new application including documentation of successful completion of 5 years of probation as well as other evidence of the applicant's rehabilitation.

Dated this 23<sup>rd</sup> day of October, 1997.

## DEPARTMENT OF REGULATION AND LICENSING

  
On Behalf of the Department

<sup>1</sup> Sec. 227.42, Stats., provides:

**Right to hearing.** (1) In addition to any other right provided by law, any person filing a written request with an agency for hearing shall have the right to a hearing which shall be treated as a contested case if:

- (a) A substantial interest of the person is injured in fact or threatened with injury by agency action or inaction;
- (b) There is no evidence of legislative intent that the interest is not to be protected;
- (c) The injury to the person requesting a hearing is different in kind or degree from injury to the general public caused by the agency action or inaction; and
- (d) There is a dispute of material fact.

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" Wis. Admin. Code § RL 1 07 provides in pertinent part

Request for Hearing. . . The request [for hearing] shall . . set forth all of the following:

. . .

(3) A specific description of the mistake in fact or law which constitutes reasonable grounds for reversing the decision to deny the application for a credential. If the applicant asserts that a mistake in fact was made, the request shall include a concise statement of the essential facts which the applicant intends to prove at the hearing. If the applicant asserts a mistake in law was made, the request shall include a statement of the law upon which the applicant relies.

Wis. Admin. Code § RL 1.08(1) provides in pertinent part:

A request shall be granted if requirements in s. RL 1 07 are met . . . .

**EXHIBIT A  
INDEX**

<b><u>PAGE(S)</u></b>	<b><u>DOCUMENT</u></b>
1-4	Application for Licensure to Practice as a Real Estate Salesperson, dated 8-15-97
5	Certificate of Completion of Educational Requirements
6	Explanatory letter from Ms. Noltner submitted with application, undated
7	Letter to Beth Cruz, Probation and Parole, from Division of Business Licensure and Regulation, dated 8-28-97 with Ms. Cruz' hand-written responses
8-9	Criminal Complaint, dated 12-18-96, Sheboygan Co. Cir. Ct., No. 96 CF 554
10	Judgment of Conviction, dated 3-19-97, Sheboygan Co. Cir. Ct., No. 96 CF 554
11-13	Notice of Denial, dated 9-10-97
14-15	Affidavit of Mailing, dated 9-10-97 and Return Receipt for Certified Mail
16-18	Request for Hearing, dated 9-22-97, enclosing Letter of Recommendation dated 5-17-94

# Department of Regulation & Licensing

State of Wisconsin

Information requested below is required for processing this application.

P.O. Box 8935, Madison, WI 53708-8935

(608) 267-1816  
TTY# (608) 267-2416 -hearing or speech  
TRS# 1-800-947-3529 -impaired only

## BUREAU OF DIRECT LICENSING AND REAL ESTATE APPLICATION FOR NEW SALESPERSON OR BROKER LICENSE

FEE: \$39.00

PAYABLE TO: Department of Regulation and Licensing

IMPORTANT: You may not operate as a real estate agent until you have actually received the license, which will be issued within one week of RECEIPT of this properly completed form by the department. This application must be submitted within ONE YEAR following the date you wrote and passed the examination.

### OFFICE USE ONLY

REG TYPE 94	LICENSE #	EMPLOYER'S LICENSE # 22180		
GRANT DATE	DELETE	EMPLOYER'S NAME Lakeview Realtors Inc		
	094 -	#13 DATE: NA:	#16 ST:	#44/15

TYPE OR PRINT IN INK

### SECTION A: ALL APPLICANTS

TYPE OF LICENSE: Mark an X in the appropriate space. ☐ Broker ☒ Salesperson

ENTER YOUR NAME:

Noltner Last      Lynn First      m Initial

ENTER YOUR MAILING ADDRESS:

NOTE: If mailing address is a P.O. Box, the Zip Code # must be that of the P.O. Box, not the street address.)

1314 Parkwood Blvd. Number Street Apartment #  
P.O. Box (if applicable)  
Shelbygan City WI 53021  
City State Zip Code

DATE OF BIRTH:

2 month 10 day 107 year

DAYTIME TELEPHONE NUMBER:

(Include area code) (414) 452-7723

ENTER BUSINESS OR OCCUPATION FOR THE LAST TWO YEARS:

administrative Assistant

For Receipting Use Only

TRANSACTION #009

39 43094 7000 094 RE SALES 39.00  
TAX TOTAL 39.00  
WDRL .00  
L1 03 15:44 25/AUG/97 M1 1-30 C

# State of Wisconsin Department of Regulation & Licensing

## HOW DO YOU DESCRIBE YOURSELF (Optional)

☒ White, not of Hispanic Origin      ☐ American Indian or Alaskan      ☐ Male  
☐ Black, not of Hispanic Origin      ☐ Asian or Pacific Islander      ☒ Female  
☐ Hispanic

**MARK AN X IN THE APPROPRIATE BOX.** If you answer Yes to any question, give all details on a separate sheet.

- |  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| a. Have you ever been convicted of a misdemeanor or a felony? <u>If YES, attach a sheet providing details about the crime, including the date of conviction, court, and penalty. (Please do not give details on minor traffic convictions, but do include information relating to Driving While Intoxicated (DWI) convictions.)</u>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Are you incarcerated, on probation or on parole for a conviction? <u>If applicable, attach a sheet providing details including the terms of incarceration and, if applicable, list name, address and phone number of your probation or parole officer.</u>  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c. Do you have any felony or misdemeanor charges pending against you? <u>If YES, attach a sheet providing details about the pending charge, including status of the charge and the location of court. (Please do not give details on minor traffic charges, but do include information relating to Driving While Intoxicated (DWI) convictions.)</u> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d. Have you ever surrendered, resigned, cancelled or been denied a professional license or other credential in Wisconsin or any other jurisdiction? <u>If YES, give details on an attached sheet, including the name of the profession and the agency.</u>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e. Has any licensing or other credentialing agency ever taken any disciplinary action against you, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? <u>If YES, attach a sheet providing details about the action, including the name of the credentialing agency and date of action.</u>       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f. Is disciplinary action pending against you in any jurisdiction? <u>If YES, attach a sheet providing details about pending action, including the name of the agency and status of action.</u>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g. Have any suits or claims ever been filed against you as a result of professional services? <u>If YES, submit a copy of the claim or suit and a copy of the final settlement or disposition.</u>   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h. Do you currently hold, or have you in the past held, any credential (license) issued by the Department of Regulation and Licensing or any of the Boards? <u>If YES, what type of credential?</u><br>And if in another name, what name? _____  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## SECTION B: SALESPERSON APPLICANTS

**ENCLOSE one of the following as proof of completion of education requirement.**

1. A photocopy of certificate issued by an approved school certifying completion of the salesperson's 72-hour educational program. Non-resident applicants must submit proof of completion of at least 23 designated hours at a Wisconsin approved school and proof of an additional 49 hours of educational programs completed in their resident state which have been approved by the department for transfer.
2. A photocopy of transcript showing 10 academic semester-hour credits completed at an institution of higher learning in real estate or real estate-related law.
3. A photocopy of current bar membership card or a certificate of good standing in the Wisconsin State Bar.

**SIGN IN THE PRESENCE OF A NOTARY AT SECTION D.**

**IF YOU HAVE A PROSPECTIVE BROKER-EMPLOYER, THE BROKER MUST COMPLETE SECTION E.** If the license is issued without registering a broker-employer on this form, you will not be able to operate as a salesperson until you submit a Notice of Real Estate Employment (Form #812) which will be sent with your license to register the name of a broker-employer.

(2)

# State of Wisconsin Department of Regulation & Licensing

## SECTION C: BROKER APPLICANTS

ENCLOSE one of the following as proof of completion of education requirement.

1. A certificate issued by an approved school certifying completion of the 36-hour educational program in business management. Non-resident applicants must submit proof of completion of at least 20 designated hours at a Wisconsin approved school and proof of an additional 16 hours of education programs completed in their resident state which have been approved by the department for transfer.
2. A transcript showing 20 academic semester-hour credits completed at an institution of higher learning in real estate or real estate-related law.
3. A photocopy of current bar membership card or a certificate of good standing in the Wisconsin State Bar.

Check one of the following:

☐ I presently hold a salesperson's license in Wisconsin.

☐ I do not presently hold a salesperson's license in Wisconsin. I have passed the Wisconsin salesperson's exam and the Wisconsin broker's exam (the state portion only of salesperson's exam if applicant has been licensed in another state at any time during the past 2 years). I have also enclosed evidence of having satisfied the salesperson's education requirement in Section B.

If you wish to register a trade name under which you intend to do business as an individual broker, enter that name:

If you will be an officer of a corporation, or partner of a partnership, licensed to act as a broker in Wisconsin, enter:

a) Name of corporation or partnership: \_\_\_\_\_

b) Your title: \_\_\_\_\_

c) Corporation/partnership Wisconsin license number: \_\_\_\_\_

If the corporation or partnership is a new company which has not yet been licensed in Wisconsin, an Application For Real Estate Corporation or Partnership License (Form #815) and a \$39 fee must also be filed to obtain a license for the corporation or partnership.

**TRUST ACCOUNT.** You are not required to maintain a trust account before you receive monies in the capacity of a broker. However, real estate trust funds **MUST BE DEPOSITED** in a Wisconsin bank, savings and loan association, or credit union within 24 hours of receipt (or the next business day of a depository institution if it's closed on the day of receipt) and a Consent to Examine and Audit Trust Account (Form #814) must be completed by you and the depository institution and submitted to the department within 10 days after opening the account.

IF YOU WANT FORM #814 SENT WITH YOUR LICENSE, ENTER YOUR INITIALS: \_\_\_\_\_

Fee: c 1 10

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# State of Wisconsin Department of Regulation & Licensing

## SECTION D: ALL APPLICANTS

**NOTE:** All licenses expire and must be renewed by December 31st of even-numbered years. Renewal notices are mailed in November of even-numbered years. If this application is received by the department between December 1 - December 31 of even-numbered years, the license is issued for the next biennium and a renewal fee is not required, but you will be required to complete 12 hours of continuing education courses in the next biennium. If the license is issued after January 1 of odd-numbered years, you are not required to complete continuing education courses in that biennium.

You are required by sec. 440.11, Stats., to notify the department of a name or address change in writing within 30 days after the change. Failure to comply may subject you to a \$50 fine.

### APPLICANT MUST SIGN IN THE PRESENCE OF A NOTARY PUBLIC.

I state that I am the person referred to on this application and that all the answers set forth are strictly true in each respect. I understand that false or forged statements made in connection with this application may be grounds for revocation of my credential or other disciplinary action. I also understand that if I am issued a credential, failure to comply with the laws or rules of the Real Estate Board or the Department of Regulation and Licensing will be cause for disciplinary action.

Ann M. Walker 8/15/97  
Signature Date

Subscribed and sworn before me this 15th day of August, 1997.

Gordon Landwehr 02-04-2001  
Signature of Notary Public (Seal) Date commission expires

## SECTION E: BROKER OR SALESPERSON APPLICANT INDICATING EMPLOYMENT UNDER ANOTHER BROKER

BROKER-EMPLOYER IS: ☐ Sole Proprietor Broker ☒ Corporation ☐ Partnership

ENTER NAME OF BROKER-EMPLOYER EXACTLY AS THAT INDIVIDUAL (SOLE PROPRIETOR), CORPORATION OR PARTNERSHIP IS LICENSED.  
(Do not give the trade name.)

LAKEVIEW REALTORS, INC.

(continued)

ENTER LICENSE NUMBER OF BROKER-EMPLOYER

22180

ENTER MAIN OFFICE TELEPHONE NUMBER

(414) 458-6500

ENTER THE BUSINESS ADDRESS OF THE BROKER-EMPLOYER'S MAIN OFFICE.

501 N. 8th St. Sheboygan WI 53081  
Number Street City State Zip Code

This statement must be signed by the sole proprietor broker-employer or a licensed broker who is an officer of the corporation or a partner of the partnership.

THIS IS TO CERTIFY that the broker-employer listed above will assume responsibility for the licensee pursuant to the department rules.

Print/type the name of the broker signing below. JUDITH H. SALZWEDEL

Judith H. Salzweidel 8/15/97  
Signature of Individual Broker, Licensed Officer or Licensed Partner Date



# ABC School of Real Estate

## Certificate of Completion of Educational Requirements

I, Laurel Stone, a duly authorized representative of ABC  
School of Real Estate, certify that Lynn Nolte  
has completed the seventy-two (72) classroom hours of educational  
programs required by Sec. 452.09(2), Wis. Stats.

Date of last class attended: 7/8/97

This certificate is to  
accompany form 809  
for issuance of license.

Laurel Stone  
(Authorized Signature)

9

Thank you  
Sharon Walker

I am a student who is  
in exploration of questions and  
I have been contacted by a student  
club. I was charged with this  
in February, 1996.  
My primary purpose was  
community service, which I have  
already completed as well as  
a presentation period of 5 years  
or less. I have agreed to accept all  
responsibilities. My office is in the  
3432 building at Sullivan St., 414 459-4549.  
I will have any questions please  
feel free to contact me.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor August 28, 1997

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P O BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

BETH CRUZ  
PROBATION AND PAROLE OFFICE  
3422 WILGUS AVE  
SHEBOYGAN WI 53081

AUG 29 1997

Re. Lynn M. Noltner (DOB: 2/10/67)

Dear Ms. Cruz:

Ms. Noltner is applying for a real estate salesperson's license. According to information she provided, she was convicted of theft. She indicated that you are her probation officer. Please submit the following:

1. Copy of the Criminal Complaint and Judgment of Conviction.
2. Are you aware of any other misdemeanor or felony convictions or pending charges including driving while intoxicated? If so, provide us with a copy of the Criminal Complaint and Judgment of Conviction. *no*
3. Has she cooperated with all terms of her probation? *yes* When is she scheduled to complete probation? *2-10-02*
4. Do you have any concerns with regard to Ms. Noltner? If so, please explain. Provide any other information which you feel would be pertinent. *none*

Please submit a written response to my attention as soon as possible. If you have any questions, please let me know. Thank you for your cooperation.

Sincerely,

DIVISION OF BUSINESS LICENSURE AND REGULATION

*Marlene M. Maly*  
Marlene M. Maly  
608-266-5511 (press 3, press 2)

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

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FILED

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

DEC 18 1996

STATE OF WISCONSIN,

SHEBOYGAN CIRCUIT COURT  
Plaintiff,

## CRIMINAL COMPLAINT

-vs-

Court No. 96 CF 554

LYNN M. NOLTNER,  
d.o.b. 2-10-67  
1314 Parkwood Blvd.  
Sheboygan, WI 53081

Defendant.

Sgt. Robert Gottowski, Sheboygan Police Department, being first duly sworn on oath deposes and says on information and belief:

That from June 22, 1995, through August 25, 1996, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, the above defendant did feloniously obtain title to property of another person by intentionally deceiving that person with a false representation which is known to be false and made with the intent to defraud and which in fact defrauded the person to whom it was made, in an amount over \$2,500, contrary to section 943.20(1)(d)(3)(c) of the Wisconsin Statutes and against the peace and dignity of the State.

POSSIBLE PENALTY: Class C Felony - A fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.

The basis for complainant's charge of such offense is: I am informed in an official report by Detective Noel Winscher of the Sheboygan Police Department that on November 4, 1996, he was contacted by Kari Kapellen, who indicated that she was an employee at GB Invedyne Inc., located at 1804 Martin Avenue, in the City of Sheboygan, County of Sheboygan, State of Wisconsin. She indicated that she had discovered an employee there, the above defendant, had been over reporting her hours. She indicated the above defendant's work hours are 6 ½ hours per day, Monday through Thursday and 3 ½ hours on Friday. In checking the payroll records she found that the above defendant was adding 1 ½ hours per Monday through Thursday and an extra ½ hour on Friday and then arranging the payroll checks to pay her the added amount. She indicated that the above defendant was the accountant for the firm. She said that she confronted the above defendant and the above defendant admitted that she had been over paid and claimed that it was merely an error. She also indicated that with the assistance of her boss Mr. Greg Brotz she reviewed certain checks that had been issued for payroll periods that overlapped and other checks that do not match other written records of the company.

On December 5, 1996, Detective Winscher spoke to the above defendant. The above defendant admitted that she had intentionally misreported her work and that as a result she over paid herself over \$2,200.00. She indicated that she did that by misrepresenting the number of hours that she was employed at the company. She also reviewed certain checks with Detective Winscher and admitted that a number of these checks she had signed the name Greg Brotz to. One was a check in the amount of \$630.85,

CLERK OF COURTS

⑧

STATE OF WISCONSIN,

Plaintiff

CRIMINAL COMPLAINT

-vs-

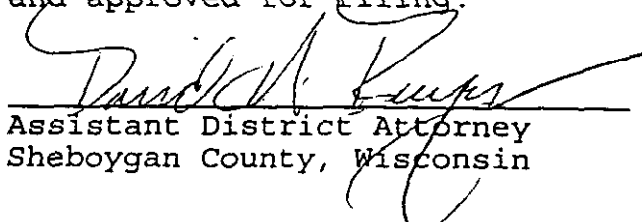
Page 2

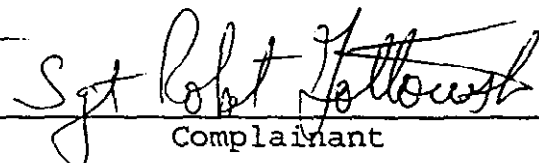
LYNN M. NOLTNER,

Defendant.

made out to Lynn Noltner for a non-existent pay period, this is in addition to the previously mentioned \$2,200.00. On February 2, 1996, there was a check in the amount of \$150.00 made out to cash and she admitted that she used the money to buy items from Walmart without the permission of the company. The check was dated March 1, 1996, in the amount of \$585.68, which she again admitted was for an overlapping pay period over paying herself beside the previously indicated over payment by increased hour reporting. On June 20, 1996, there was a check issued in the amount of \$500.00 for VCR supplies and Fastenal which she admitted that she had cashed and kept the money for and then made an erroneous entry into a computer check register. On June 26, 1996, a check was made out in the amount of \$695.65, again to Lynn Noltner, which she admitted again was an overlapping pay period besides the previously mentioned over reporting of hours. On July 12, 1996, she had a check issued to herself in the amount of \$740.65 again for an overlapping pay period. He went over other checks and it appeared that over \$8,000.00 in monies had been taken without permission. When speaking to Kari Kapellen she indicated that the defendant was employed at the company from June 22, 1995, to August 25, 1996.

Subscribed and sworn to before me  
this 18<sup>th</sup> day of December, 1996,  
and approved for filing.

  
Assistant District Attorney  
Sheboygan County, Wisconsin

  
Complainant

(9)

State vs Lynn M. Noltner

## JUDGMENT OF CONVICTION

Sentence Withheld, Probation Ordered

Date of Birth: 02-10-1967

Case No.: 96CF000554

The ☒ Court ☐ Jury found the defendant guilty of the following crime(s):

Ct.	Crime(s)	Wis Stat. Violated	Plea	Fel. or Misd.	Date(s) Crime Committed
1	Theft-False Representation(> \$2500).	943.20(1)(d)	No Contest	FC	06-22-1995 thru 8/25/96

IT IS ADJUDGED that the defendant is convicted on 02-10-1997 as found guilty and is sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
1	03-19-1997	Withheld, Probation Ordered	5 YR		DOC

## Conditions of Sentence/Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
10.00	32.00		10839.95	10.00	70.00		

## Conditions

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
1	Community Service	200 HR				

## Miscellaneous Conditions:

Ct.	Condition	Agency/Program	Comments
1	Restitution		
1	Costs		
1	Psych Treatment		Counseling da
1	Other		Early discharge at disc of agt

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155 Wisconsin Statutes

IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT

James Bolgert, Judge  
 Robert J Wells, District Attorney's Office  
 William F Fale, Defense Attorney

Circuit Court Judge/Clerk/Deputy Clerk

Date

3-19-97 sm

(10)



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

September 10, 1997

Martene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

LYNN M NOLTNER  
1314 PARKWOOD BLVD  
SHEBOYGAN WI 53081

Re: APPLICATION FOR A REAL ESTATE SALESPERSON'S LICENSE;  
NOTICE OF DENIAL

Dear Ms. Noltner:

PLEASE TAKE NOTICE that the State of Wisconsin Department of Regulation and Licensing (department), has reviewed your application for a real estate salesperson's license and denies the application for the following reasons:

1. On the salesperson's application you answered "YES" to each of the following questions:
  - a. Have you ever been convicted of a misdemeanor or a felony? If YES, attach a sheet providing details about the crime, including the date of conviction, court, and penalty. (Please do not give details on minor traffic convictions, but do include information relating to Driving While Intoxicated (DWI) convictions.)
  - b. Are you incarcerated, on probation or on parole for a conviction? If applicable, attach a sheet providing details including the terms of incarceration and, if applicable, list name, address and phone number of your probation or parole officer.
2. In answer to the above questions, you submitted information indicating that you were convicted of a theft crime.
3. According to copies of the Criminal Complaint and Judgment of Conviction received from Beth Cruz, probation officer, you were convicted on February 10, 1997 of a felony of Theft-False Representation, sentenced to five years probation and other conditions. You are scheduled to complete probation February 10, 2002.

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary

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4. Documentation on file establishes that you have been convicted of a crime the circumstances of which substantially relate to the practice of a real estate salesperson.

Statutes relevant to this denial include the following:

1. Section 452.03, Stats., states:

Brokers and salespersons licensed. No person may engage in or follow the business or occupation of, or advertise or hold himself or herself out as, or act temporarily or otherwise as a broker or salesperson without a license. Licenses shall be granted only to persons who are competent to transact such businesses in a manner which safeguards the interests of the public. and only after satisfactory proof of the persons competence has been presented to the department.

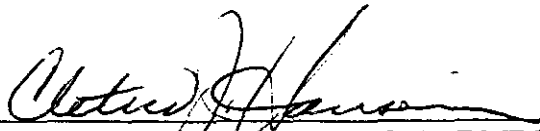
2. Section 452.09(1)(e), Stats., states:

Application for license. contents. (1) Form of application. Any person desiring to act as a broker or salesperson shall submit to the department an application for a license. The application shall be in such form as the department prescribes and shall include the following:

(e) Any other information which the department may reasonably require to enable it to determine the competency of each applicant, including each member of the partnership, or each officer of the corporation, to transact the business of a broker or salesperson in a manner which safeguards the interest of the public.

3. Section 111.335(1)(c)1., Stats., states:

Notwithstanding s. 111.322, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing, any individual who...(h)as been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.

  
CLETUS J. HANSEN, DIVISION ADMINISTRATOR



PLEASE NOTE that you have a right to a hearing on the denial of your application if you file a request for hearing in accordance with the provisions of Ch. RL 1 of the Wisconsin Administrative Code. You may request a hearing within 45 calendar days after the mailing of this Notice of Denial. Your request must be submitted in writing to the department at:

Department of Regulation and Licensing  
Bureau of Direct Licensing and Real Estate  
1400 East Washington Avenue  
PO Box 8935  
Madison, WI 53708-8935

The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of your credential, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the department's decision. Under s. RL 1.08 of the Wisconsin Administrative Code, a request for a hearing is denied if a response to a request for a hearing is not issued within 45 days of its receipt by the department. Time periods for a petition for review begin to run 45 days after the department has received a request for a hearing and has not responded.

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

r:maly\re\salesden.doc

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING


In the Matter of The Application For A :  
Real Estate Salesperson's License For :  
LYNN M. NOLTNER, : AFFIDAVIT OF MAILING  
Applicant :

STATE OF WISCONSIN )  
COUNTY OF DANE )


I, Marlene M. Maly, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

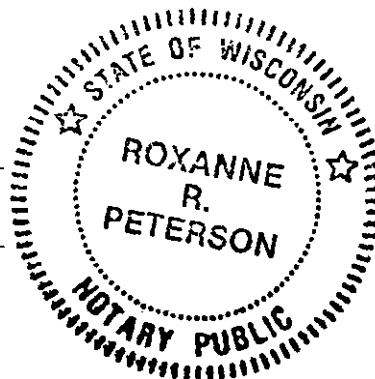
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On September 10, 1997 I served the annexed Notice of Denial upon the applicant Lynn M. Noltner by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by first class, certified mail. The certified mail receipt number on the envelope is Z 429 751 293.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the applicant's last-known address and is:

1314 PARKWOOD BLVD  
SHEBOYGAN WI 53081

  
Marlene M. Maly  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 10<sup>th</sup> day of September, 1997.

  
Notary Public, State of Wisconsin  
My Commission Expires 2/7/99



Z 429 751 293

# Receipt for Certified Mail



No Insurance Coverage Provided  
Do not use for International Mail.  
(See Reverse)

PS Form 3800, March 1993

Sent to <b>LYNN M. NOLTNER</b>	
Street and No.	
P O State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to:  <b>LYNN M. NOLTNER</b> <b>1314 PARKWOOD BLVD</b> <b>SHEBOYGAN WI 53081</b>  <b>R.E.</b>		4a. Article Number <b>2 429 751 293</b>	
5. Signature (Addressee) <i>Lynn M. Noltner</i> 6. Signature (Agent)		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
7. Date of Delivery		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

\*U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT



With all due respect I am trying to do this. I want to start a new career and be a positive influence in my community. I want to give back to my community, as well as help people obtain their dreams. Realizing the information that you were given I can see your reluctance to giving me a license. But not knowing me as a person or of my circumstances I feel that I should be reconsidered for the salespersons license. I have spoken to Judith Salzwedel in regards to my situation and she has agreed to work with me and oversee all of my business transactions.

I do feel that with this type of supervision and with the fact of I have not violated any other regulations and continue to comply with all of these conditions that I should be given the opportunity to practice Real Estate.

I have worked very hard at obtaining the schooling, taking tests and making better choices therefore I feel I deserve to be given a opportunity to prove to not only the board department and to the community and to my broker that I am competent and should be a great asset to the Real Estate profession.

I also have enclosed some letters of recommendations from previous employers.

I hope that this will enable me to obtain my license. If any other information is needed please contact me. Thank you for your time.

Aymn NOLTER

RECEIVED

SEP 7 9 1997

Dept. of Regulation & Licensing  
Division of Enforcement

(17)

## LETTER OF RECOMMENDATION

**KOHLER**

May 17, 1994

Dear Sir or Madam:

**RE: LYNN STIRDIVANT**

Please be advised that Lynn worked in our office, through Manpower, while my assistant was on vacation. During that time, Lynn proved to be reliable, professional and competent. I was very impressed with her telephone skills and diplomacy at all times -- she could handle any situation, so I didn't have to worry leaving her alone. Lynn took care of all the secretarial duties, including working in WordPerfect 5.1, FAXing, photocopying, filing, e-mail -- but mainly being my much-needed assistant and keeping up with the busy pace.

Lynn was well-liked by all of the adjoining Audio Visual staff while she was here -- she seemed to "fit in" right from the start, which indicates that she is very easy to work with. She has a very pleasant personality, and a good sense of humor.

I would highly recommend her for employment, and would not hesitate to hire her through Manpower again if the opportunity arose.

Very truly yours,



Marilyn Bohren  
(Acting) Co-op Advertising Specialist

MB

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

In the Matter of the Application for a Real Estate Salesperson License

Lynn M. Noltner,

AFFIDAVIT OF MAILING


Applicant.

STATE OF WISCONSIN    )  
                                      )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

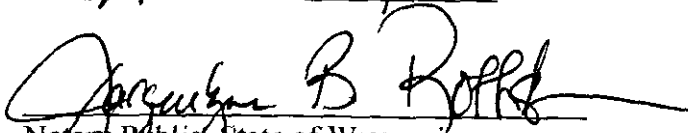
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On October 27, 1997, I served the Notice of Denial of Applicant's Request for Hearing and Order dated October 23, 1997 upon the Applicant Lynn M. Noltner by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 589.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

Lynn M. Noltner  
1314 Parkwood Boulevard  
Sheboygan WI 53081

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 27<sup>th</sup> day of October, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

October 27, 1997

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)